Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/531,131	WEHNER ET AL.	
Examiner	Art Unit	
101111111111111111111111111111111111111	0004	
JOHN K. KIM	2834	

NOTICE OF APPEAL 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMEDIMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They raise the issue of new matter (see NOTE below); (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: ☐ (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s); □ Nevly proposed or amended claim(s) ☐ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). □ Non-allowable claim(s). □ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. □ Claim(s) allowed: ☐ □ Claim(s) objected to ☐ □ Claim(s)		JOHN K. KIM	2834			
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidiative, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: □ The period for reply expires	The MAILING DATE of this communication appears on the cover sheet with the correspondence address					
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.134. The reply must be filed within one of the following time periods: a) The period for reply expires	THE REPLY FILED 23 January 2009 FAILS TO PLACE THIS A	APPLICATION IN CONDITION FOR	R ALLOWANCE.			
and the period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will be statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW MONTHS OF THE FINAL REJECTION. See MPEP 705.07(fi). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checket. A ray reply received by the Office lister than three months after the mailing date of the final rejection, even if timely flied, and the proposed and the proposed and the proposed control of the final rejection, even if timely flied in may reduce any earned patient term adjustment. See 37 CFR 1.704(b). Control of Appeal and the proposed and the propose	The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To a wovid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.3; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 41.114. The reply must be filed within one of the following time periods:					
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